

HOUSE BILL REPORT

2SHB 1938

As Passed Legislature

Title: An act relating to children's interests in maintaining postadoption contact with their siblings.

Brief Description: Concerning postadoption contact with siblings.

Sponsors: House Committee on Health & Human Services Appropriations (originally sponsored by Representatives Roberts, Kagi, Angel, Walsh, Dunshee, Pettigrew, Green, Goodman, Haler and Kenney).

Brief History:

Committee Activity:

Early Learning & Children's Services: 2/13/09, 2/19/09 [DPS];

Health & Human Services Appropriations: 2/25/09 [DP2S(w/o sub ELCS)].

Floor Activity

Passed House: 3/9/09, 95-0.

Passed Senate: 4/15/09, 43-1.

Passed Legislature.

Brief Summary of Second Substitute Bill

- Requires the court overseeing permanency planning for a child in foster care to consider the child's relationship with siblings and the benefit of postadoption contact between siblings who will be separated by adoption.
- Directs the court reviewing and approving an adoption agreement to encourage consideration of providing for postadoption contact between siblings who will be separated by adoption from foster care.
- Requires the court to inquire of attorneys and guardians ad litem representing children in adoption and dependency proceedings about the potential benefit of continuing contact between siblings and the potential detriment of severing contact.
- Requires the pre-adoption home study report to verify that discussions with adoptive parents include the relevance of sibling relationships and the potential benefit of providing for continuing contact between siblings being separated by adoption.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

HOUSE COMMITTEE ON EARLY LEARNING & CHILDREN'S SERVICES

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 7 members: Representatives Kagi, Chair; Roberts, Vice Chair; Haler, Ranking Minority Member; Walsh, Assistant Ranking Minority Member; Angel, Goodman and Seaquist.

Staff: Sydney Forrester (786-7120)

HOUSE COMMITTEE ON HEALTH & HUMAN SERVICES APPROPRIATIONS

Majority Report: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Early Learning & Children's Services. Signed by 15 members: Representatives Pettigrew, Chair; Seaquist, Vice Chair; Schmick, Ranking Minority Member; Alexander, Assistant Ranking Minority Member; Appleton, Cody, Dickerson, Ericksen, Johnson, Miloscia, Morrell, O'Brien, Roberts, Walsh and Wood.

Staff: Melissa Palmer (786-7388)

Background:

Foster Care.

The statutory presumption for children in foster care is that placement with siblings or continuing contact and visits between siblings are in their best interests. While the dependency court is required to consider sibling placements, visits, and contact while the siblings are in foster care, there is no directive relating to consideration of continued sibling contact when the permanency plan will result in siblings being separated by an adoption.

Adoption.

Washington's adoption statute requires a pre-adoption home study report be submitted to the court. The report must include verification that discussions with prospective adoptive parents includes topics relating to:

- the concept that adoption is a lifelong developmental process;
- the potential for the child to experience identity confusion and feelings of loss regarding separation from birth parents;
- the potential for the child to have questions about birth parents and relatives; and
- the relevance of the child's racial, ethnic, and cultural heritage.

Open adoption agreements must be reviewed and approved by the court. The statute authorizing agreements for postadoption contact between a child adoptee and his or her family includes no references to siblings of the child being adopted or the potential benefit of providing for a continuation of the child's relationship with his or her siblings through an adoption agreement or informal agreement.

Summary of Second Substitute Bill:

The relevance of the child's relationship with siblings and the potential benefit of facilitating postadoption contact is included in the list of issues that must be considered during the permanency planning process for children in foster care and discussed with prospective adoptive parents. The family law court reviewing and approving an adoption agreement must encourage the consideration of the adoptive child's relationship with known siblings. If a child being adopted from foster care or his or her siblings is represented by a guardian ad litem (GAL) or an attorney in an adoption proceeding, or in a dependency matter, the court reviewing the adoption agreement must inquire of the attorneys and guardians regarding the potential benefit of continued contact between the siblings.

Appropriation: None.

Fiscal Note: Requested on February 28, 2009.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony (Early Learning & Children's Services):

(In support of original bill) At the 2008 Foster Youth Leadership Summit a particular topic of discussion was that some foster youth lose all contact with siblings as a result of adoption. This bill is intended to be a first step in addressing the problem.

Many youth have endured not knowing what has become of their siblings who were adopted from foster care. Sibling connections are frequently the only source of stability many foster youth have when they experience multiple placements. Research demonstrates that siblings placed together have better outcomes. When this can't be done, siblings should at least not be permanently separated by adoption. For some children in foster care, taking away the opportunity to visit with a sibling is used as a means of punishment by foster parents. Other foster youth who age-out of foster care are prevented from being able to continue to visit with their siblings still in care.

Most of the open adoption agreements are developed in the dependency process. This is where we should be encouraging the discussion of the benefits of postadoption continued sibling contact. There is one caution about creating possible impediments to private adoptions, so this should be clarified to focus on adoptions from foster care.

(Opposed) None.

Staff Summary of Public Testimony (Health & Human Services Appropriations):

(In support) This bill was a result of a foster youth leadership conference, which determined that maintaining connections with siblings was the greatest priority and greatest challenge. The substitute bill clarifies the language to focus on adoptions of children in dependency. There is nothing in this bill that extends to the Department any additional requirements and this is not a major hurdle for the Department. The intent of the bill is that sibling contact will be defined as an open adoption and that the new parents will adopt the child with the understanding that it is important to maintain the connection with siblings.

There are children who are not able to see their siblings. Hopefully the bill will encourage the emphasis of the importance of sibling contact. The children have already lost their parents and their family and it is not the children's fault. This will help them be able to be around each other.

This bill is an awareness raising issue and was not to have a fiscal impact. Limits of the state are recognized and nothing in this bill will require the adoptive family to have these visits. There is not going to be a visit for every child.

(Opposed) None.

Persons Testifying (Early Learning & Children's Services): Representative Roberts, prime sponsor; Tiffany Washington, Amanda Spady, and Leona Bill, Mockingbird Society; and Mark Demaray, Washington State Adoption Council and American Academy of Adoption Attorneys.

Persons Testifying (Health & Human Services Appropriations): Representative Roberts, prime sponsor; Kimberly Mays, Parent to Parent Program; and Jim Theofelis, Executive Director, Mockingbird Society.

Persons Signed In To Testify But Not Testifying (Early Learning & Children's Services): None.

Persons Signed In To Testify But Not Testifying (Health & Human Services Appropriations): None.